



WESTERN BARLEY GROWERS ASSOCIATION

A strong voice for a vibrant, market responsive barley industry in western Canada

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For immediate Release

Wheat board control of barley is by regulation

April 20, 2007, Airdrie, AB: First and foremost the Canadian Wheat Board Act is about the control of buying wheat in the designated area. Section 18(2) *Except as directed by the Governor in Council, the Corporation shall not buy grain other than wheat.*

“That is pretty straight forward” says Jeff Nielsen, President of the Western Barley Growers Association. (WBGA) Wheat is wheat and barley is by regulation. Regulation 9 gives the CWB that direction. The regulation states: 9) *Parts III and IV are hereby extended to barley.* “The authority to make such regulations comes from Section 47.(1)” explains Nielsen. “Section 47.(1) as part of the Act itself, does not in any way what so ever give control of barley to the board as some have tried to mislead us into believing. Section 47.(1) gives the minister the authority to make regulations, by order in council to include and exclude barley from control of the board under parts III and IV, marketing and licensing”.

“The Minister has two obligations under section 47.1 of the Act” continues Nielsen, “consult with the board and allude to producers’ vote in favor of the exclusion. Note the difference between 47.(1) and 47.1. The first is the application of parts III and IV to barley and the second is the Ministers obligation of the application.

“There is a straight forward process and the Minister has followed it” comments Tom Hewson , Vice President of the WBGA. “We have an imminent choice as an industry, as producers, maltsters, brewers, grain companies and the CWB itself, to move forward to a vibrant profitable wealth creating industry or wallow in a quagmire of legal challenges that will paralyze the entire industry”.

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See following Backgrounder

BACKGROUNDER

PART V

OTHER GRAINS

Application of Parts III and IV

Extension of Parts III and IV to oats and barley

47. (1) The Governor in Council may, by regulation, extend the application of Part III or of Part IV or of both Parts III and IV to oats or to barley or to both oats and barley.

Modifications

(2) Where the Governor in Council has extended the application of any Part under subsection (1), the provisions of that Part shall be deemed to be re-enacted in this Part, subject to the following:

(a) the word "oats" or "barley", as the case may be, shall be substituted for the word "wheat";

(b) the expression "oat products" or "barley products", as the case may be, shall be substituted for the expression "wheat products"; and

(c) [Repealed, 1995, c. 31, s. 4]

(d) subsection 40(2) is not applicable.

When extension to come into force

(3) An extension of the application of Part III shall come into force only at the beginning of a crop year.

Definitions

(4) For the purposes of this section, "product" , in relation to any grain referred to in subsection (1), means any substance produced by processing or manufacturing that grain, alone or together with any other material or substance, designated by the Governor in Council by regulation as a product of that grain for the purposes of this Part.

R.S., 1985, c. C-24, s. 47; 1995, c. 31, s. 4.

Minister's obligation

47.1 The Minister shall not cause to be introduced in Parliament a bill that would exclude any kind, type, class or grade of wheat or barley, or wheat or barley produced in any area in Canada, from the provisions of Part IV, either in whole or in part, or generally, or for any period, or that would extend the application of Part III or Part IV or both Parts III and IV to any other grain, unless

(a) the Minister has consulted with the board about the exclusion or extension; and

(b) the producers of the grain have voted in favour of the exclusion or extension, the voting process having been determined by the Minister.

1998, c. 17, s. 25.